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Forty-eighth session
Agenda item 19

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 January 1992]

1. Since the military coup d'état on 29 September 1991, the extent and frequency of gross human rights violations in Haiti have reached levels not seen since the deadliest days under the Duvaliers. Extrajudicial executions, torture, arbitrary arrests, "disappearances", prohibition of meetings and demonstrations and crackdowns on the press occur regularly.

2. The number of those killed by the Haitian armed forces, including the army, police and their civilian allies, remains impossible to verify, but based on reports from people who have been able to visit the morgue and hospital in Port-au-Prince and other reliable sources, the figure must be in the hundreds. The primary reason that the exact number is not known is because the Haitian armed forces have prohibited journalists, human rights monitors and medical personnel from doing their jobs. In one instance, the army threatened two United States journalists, destroyed their notes and said they would kill the journalists' interpreter when they invesetigated an alleged massacre of civilians by the army.

3. The recent restoration of rural section chiefs, particularly individuals who have been gross violators of human rights, is an extremely alarming development. Section chiefs have traditionally ruled as petty tyrants in the remote countryside, taxing, arresting, beating and imprisoning as they pleased. There are approximately 535 rural sections in Haiti and each was ruled by a section chief. They were members of the military and reported to the nearest district commander. President Aristide abolished the position; the de facto Government has reinstituted section chiefs, thus reversing one of President Aristide's most important human rights reforms. The section chiefs have also enlisted numerous assistants who constitute virtual private armies. The section chiefs and their assistants are answerable only to the military. The Haitian countryside, home to 75 per cent of Haiti's population, is once again under the thumb of ruthless individuals who operate beyond the control of civilian authorities.

4. The following summary is merely representative and not exhaustive. The military Government has failed to adhere to its obligations under the International Covenant on Civil and Political Rights and it is the Haitian people who suffer. Based on information received by the Lawyers Committee, no member of the Haitian armed forces or their civilian allies has been arrested or prosecuted for a human rights violation since the start of the coup. This impunity can only encourage further violations. For the sake of analysis and clarity, we have grouped human rights violations according to the applicable articles of the Covenant (ICCPR), ratified by Haiti on 6 February 1991.

Violation of the right to life and the security and integrity of the person: article 6 of the ICCPR

5. On Thursday, 14 November, journalists discovered the bodies of seven young men who had been executed. Their writsts were tied with electrical cords and their bodies had numerous bullet wounds. The bodies had been dumped alongside an area used by the Duvaliers to bury their victims.

6. In mid-October, the bullet-riddled bodies of Aristide supporters Camille Bazile and Camille César were discovered in the central morgue in Port-au-Prince. Members of the Haitian armed forces had abducted them during the early hours of the coup on 29 September and they were never seen alive again.

7. According to the eyewitness account of an official from the United States Consultate in Port-au-Prince who visited the main morgue in Port-au-Prince and morgues in private funeral homes, as of mid-October, the number of people killed by the armed forces was in the hundreds; each time he went to the central morgue it was full to its capacity of 200; the official told the Lawyers Committee that most of the bodies had bullet wounds.

Prohibition of torture or cruel, inhuman or degrading treatment or punishment: article 7 of the ICCPR

8. On 12 November, Haitian soldiers surrounded a meeting of the National Association of Haitian students at the University of Haiti. Soldiers entered the building and then forced the students into four private jeeps and one army

truck and took them to the infamous police station called Service d'Investigation et d'Anti-Gang. Later that afternoon people who live nearby telephoned human rights organizations because they heard terrifying screams coming from the police station. Released students testified that soldiers beat and taunted them throughout their detention. Two lines of soldiers beat them when they later entered the National Penitentiary. Soldiers also shaved the heads of all the detained students. As of this date, 46 students reportedly remain in detention.

9. On 7 October 1991, Evans Paul, the mayor of Port-au-Prince, was illegally arrested, beaten and detained by Haitian soldiers. Mayor Paul went to the international airport to board a flight to Caracas to meet with Haiti's exiled president, Jean-Bertrand Aristide. The leader of Haiti's military Government personally guaranteed Mr. Paul's safe passage. Yet soldiers, in full view of an Organization of American States delegation and journalists, stripped Mr. Paul naked and beat him with their helmets, guns and fists and burned him with a red-hot gun muzzle. Mayor Paul spent several hours in prison before the army released him. He was never charged with any crime. He is in hiding in a safe house in Port-au-Prince and has serious injuries to his back, head and eye; he also has several broken ribs and a bad burn from the hot gun muzzle.

10. In the Central Plateau town of Hinche, several members of the group Peasant Movement of Papeye were arrested in mid-September and beaten by soldiers in the Hinche prison. PMP members, because of their strong support for Aristide, have been especially targeted by the armed forces. A section chief in the area who had been imprisoned by the Aristide Government for human rights violations was released from prison and has resumed his post.

Prohibition of arbitrary arrest or detention: article 9 of the ICCPR

11. Michel Favard, former head of state radio and television, was arrested on 29 September for having broadcast news of the coup; he disappeared for a few days and was later released without ever being charged with a crime.

12. Manno Charlemagne, a popular singer and a staunch Aristide supporter, was arrested on 11 October. Mr. Charlemagne was released on 18 October when a court ruled his arrest was illegal. He had barely left Haiti's notorious National Penitentiary when armed men in civilian clothes abducted him. He was imprisoned once again in the National Penitentiary and then, on 25 October, released just as arbitrarily as he had been abducted.

13. On Friday, 15 November 1991, soldiers entered the Cité Soleil section of Port-au-Prince. Cité Soleil is extremely poor and is known as an Aristide stronghold. The soldiers arrested young people because they were "preparing to leave the country like boat people". The soldiers reportedly told those arrested that "we know that you're getting ready to take off in those boats". The soldiers then severely beat the young people in front of other residents and forced their prisoners to identify others who also might be preparing to flee. The soldiers arrested 40 youths.

Violations of freedom of expression and of the press: article 19 of the ICCPR

14. Attacks on the radio stations of Port-au-Prince are too numerous to enumerate here. Since the first hours of the coup, radio stations attempting to broadcast news objectively have been attacked by the Haitian armed forces. The solders' choice of target was no accident because 80 per cent of the Haitian population is illiterate and the radio is their principal news source. For example, soldiers destroyed Radio Cacique on 30 September. Radio Lumière was also destroyed after broadcasting news of an army massacre of civilians in Lamentin. Popular radio broadcaster Jacky Caraïbe was killed and his station destroyed. Felix Lamy, co-director of Radio Galaxie, was abducted by armed men on 10 December and has not been seen since. Montlouis Lhérissé, a cameraman for state television, was shot and killed on 23 December. His body was found in an area used by the Duvaliers to dump their victims.

Conclusions and recommendations

15. Despite evidence of deep-rooted human rights problems, the Commission during its forty-seventh session voted to move the situation in Haiti from agenda item 12 to the "Advisory Services" item. We believed that this was a mistake and the horrible events during and after the coup have confirmed our analysis.

16. The Lawyers Committee for Human Rights urges the Commission to: (a) condemn severely the human rights violations committed by the Haitian armed forces and their civilian allies; (b) name a special rapporteur to monitor the situation of human rights and fundamental freedoms in Haiti and report on the subject; (c) to transfer consideration of the human rights situation in Haiti from "Advisory Services in the field of human rights" to "Violations of human rights and fundamental freedoms in any part of the world".

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COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by Refugee Policy Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 November 1992]

Human rights protection for internally displaced persons

1. It is critical that the United Nations Commission on Human Rights address the human rights protection needs of internally displaced persons. Worldwide, there are an estimated 20 million people displaced within the borders of their own countries. Most have fled from their homes because of civil war or internal strife. Others have been displaced by ethnic persecution. Still others have been forcibly resettled by their own Governments on political, racial or ethnic grounds. There are an estimated 13 million in Africa, 5 million in Asia, 2 million in Europe and 1 million in the Americas. Many are subject to gross and persistent human rights violations, such as physical assaults, mass expulsions, deliberate starvation and forced labour.

2. But there is no international system in place to assist and protect them. Because internally displaced persons have not crossed a border, they often fall outside the mandates of refugee and relief organizations and receive little or no protection from the human rights community. Even the

organizations that have managed to assist and protect internal refugees over the years, such as the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, have mandates that either explicitly do not allow them to do so or that limit their involvement.

3. While current United Nations efforts have focused on the coordination of relief to internally displaced persons, little attention has been paid to the defence of their human rights. The Commission on Human Rights took a significant step at its last session by adopting resolution 1991/25 on internally displaced persons. For the first time the Commission drew attention to the protection needs of internally displaced persons and called upon the international community to intensify its efforts in their behalf.

4. On 24-25 June 1991 the Refugee Policy Group (RPG) convened a meeting in Washington, DC of 40 international experts to recommend steps the international community might take to enhance human rights protection for those displaced within the borders of their own countries. Participants included human rights specialists, experts from humanitarian organizations, international lawyers, United Nations and regional organization officials, and government representatives.

5. The meeting strongly urged that United Nations human rights bodies should play an important role in monitoring the situation of internally displaced persons. To this end, it called for the appointment by the Commission on Human Rights of a working group or rapporteur to address the human rights protection needs of internally displaced persons. The Refugee Policy Group strongly endorses this proposal.

6. To ensure rapid and effective protection for internally displaced persons, RPG suggests that the working group or rapporteur should be authorized to intercede with Governments, issue urgent action press releases, publish reports and make recommendations to the Commission for the further safeguarding of the rights of those displaced. It should be able to address the deliberate withholding of food by Governments to segments of their population or the obstruction of humanitarian assistance.

7. Consideration should be given to according United Nations human rights personnel an actual protection role in the field. It would be beneficial if officers from the United Nations Centre for Human Rights or from private organizations were to accompany humanitarian fact-finding missions to ascertain the immediate and longer-term protection needs of internally displaced persons, how best to monitor their treatment, and to advise on when conditions are sufficiently safe to warrant their return home.

8. The Commission on Human Rights can play an important role in bolstering humanitarian efforts by speaking out about serious abuses of internally displaced persons and calling upon Governments and the international community to take specific measures to protect persons at risk. Too often, humanitarian and relief organizations are constrained from doing so by their mandates or from fear of jeopardizing relief efforts. Yet international attention can serve to moderate Governments' practices and ultimately ensure that assistance and protection are provided to those displaced.

9. Recognition of the integral relationship between humanitarian and human rights issues is long overdue. Although the human rights and humanitarian fields have largely grown apart from one another, closer cooperation between the two can lead to the establishment of a more effective international system - a system that addresses both assistance and protection and provides internally displaced persons with increased physical security.